

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DYSON, INC.,)	Case No. 10-cv-08126
)	
Plaintiff,)	Judge Samuel Der-Yeghiayan
)	
v.)	Magistrate Judge Maria Valdez
)	
BISSELL HOMECARE, INC.,)	
)	
Defendant.)	
)	

**DYSON'S MOTION TO COMPEL BISSELL
PURSUANT TO RULE 37 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Plaintiff Dyson, Inc. (“Dyson”) moves pursuant to Rule 37 of the Federal Rules of Civil Procedure to compel Defendant Bissell Homecare, Inc. (“Bissell”) to answer Dyson’s First Set of Interrogatories (Nos. 1-5). These five interrogatories ask Bissell to disclose only the very basic information fundamental to Dyson’s claims and Bissell’s defenses: (1) the factual and legal bases for Bissell’s seven affirmative defenses; (2) Bissell’s substantiation (if any) for the advertising claims at issue; (3) how Bissell uses each of the advertising claims at issue; (4) how Bissell has revised the advertising claims at issue; and (5) identification of Bissell’s HEPA filter manufacturers and/or suppliers. Bissell objected to all five interrogatories, and refused to substantively respond. Dyson’s Interrogatories bear on the most fundamental issues in this case, including whether the accused claims are false and/or misleading, and whether Bissell had any basis whatsoever to assert affirmative defenses of laches, statute of limitations, acquiescence, estoppel, release, and unclean hands. Bissell’s only objections—that Dyson

actually asked ***more than 800 interrogatories***, and that Bissell will not provide any confidential information even on an outside counsel's eyes only basis—are frivolous.

Counsel for the parties met and conferred telephonically on Wednesday, April 27, 2011 at 9:00 am CDT in an attempt to resolve this dispute. David Callahan and Ann Marie Wahls participated on behalf of Dyson and Uli Widmaier, David Hilliard, and Ashly Iacullo participated on behalf of Bissell. Despite Dyson's good faith effort to resolve this dispute, Bissell maintains its objections and refuses to provide substantive responses to Dyson's interrogatories unless compelled to do so by this Court. Dyson therefore represents that the parties have reached an impasse, and respectfully requests that this Court order Bissell to immediately provide responsive, substantive, and binding answers to Dyson's Interrogatory Nos.

1-5.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **DYSON'S MOTION TO COMPEL BISSELL PURSUANT TO RULE 37 OF THE FEDERAL RULES OF CIVIL PROCEDURE** was served via the Court's Electronic Case Filing System pursuant to Local Rule 5.9 on April 28, 2011 to the following counsel of record:

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